

**OPINION
65-111**

August 11, 1965 (OPINION)

Mr. Walter R. Hjelle

Highway Commissioner

RE: Highways - Employees - Expenses

Pursuant to your request, we have re-examined the official Attorney General's opinion dated October 8, 1957, addressed to Commissioner Wentz and the provisions of section 24-02-07 of the North Dakota Century Code and section 44-08-04 of the North Dakota Century Code, 1965 Supplement.

We conclude that neither the provisions of section 24-02-07 of the North Dakota Century Code nor the opinion dated October 8, 1957 were superseded by the enactment of House Bill No. 531, 1965 Legislative Assembly.

Section 24-02-07 of the North Dakota Century Code being a specific law applicable to the Highway Department, the amendment of the general provision in section 44-08-04 of the North Dakota Century Code did not supersede its provision. The opinion of October 8, 1957 is in principle reaffirmed with the provision that the per diem allowances may not exceed the allowances provided for in section 44-08-04 as amended by the 1965 Legislature.

HELGI JOHANNESON

Attorney General